

REMARKS

Applicants respectfully request reconsideration of the prior art rejections set forth by the Examiner under 35 USC sections 102 and 103. Applicants respectfully submit that the prior art references of record, whether considered alone, or in combination fail to either teach or suggest the subject matter of Applicants' presently claimed invention. Applicants have not amended independent claim 1 and Applicants have amended independent claim 11 only to provide additional clarification.

Applicants have carefully reviewed the teachings of Christensen in light of the presently claimed subject matter and note that there is a substantial difference between the claimed invention at least in regard to the storage of the content information in the web enabled cellular telephone as disclosed and claimed in the instant application. Specifically, Applicants note that the claims specify that the web enabled cellular telephone transmits the song identification information to a website via a computer to which the web enabled cellular telephone is connected and the website transfers the music to the web enabled cellular telephone, the music being transferred to and stored in the web enabled cellular telephone after a user confirms ordering of the songs on the playlist.

Applicants respectfully submit that neither the prior art Christensen reference nor any other reference of record discloses or suggests a system wherein the desired content is "transferred to and stored in the web enabled cellular telephone." At best, Christensen merely describes utilization of a cellular telephone for the purpose of placing an order based on content that has been designated by a so-called Technology Enabled Radio. Significantly, there is no indication or suggestion that the content should be transferred directly to the web enabled cellular telephone as disclosed and claimed in the instant application. In contrast

Appl. No. 10/806,201
Reply to Office Action of January 25, 2010
Office Action dated: July 26, 2010

with the present invention, Christensen merely describes a system wherein the content is made available through download server 154 that transmits the information either directly to the Technology Enabled Radio or it is made available to a personal computer. Significantly, there is no teaching or suggestion whatsoever regarding the direct transfer of content to a cellular telephone as disclosed and claimed in the instant application. See, specifically the description in Christensen regarding the operational details concerning the download server 154 at column 5 lines 25-35.

Accordingly, in light of the foregoing, applicants respectfully submit that all claims now stand in condition for allowance.

In the event that it is deemed necessary, the Commissioner is hereby authorized to charge any fees due or to credit any overpayment to Deposit Account No. 50-3891.

Respectfully submitted,

Date:

7/26/2010

Robert J. Depke, Reg. No. 37,607

ROCKEY, DEPKE, LYONS, LLC.

233 S. Wacker Drive, Suite 5450

Chicago, Illinois 60606

Tel: (312) 277-2006

Attorneys for Applicant